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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Ronald Lucero, ) No. CV 11-2343-PHX-GMS (ECV)  
10 Petitioner, ) **ORDER**  
11 vs. )  
12 )  
13 State of Texas, et al., )  
14 Respondents. )  
15

16 On November 29, 2011, Petitioner Ronald Lucero, who is confined in the Maricopa  
17 County Lower Buckeye Jail, filed a *pro se* Petition for Writ of Habeas Corpus pursuant to  
18 28 U.S.C. § 2254 and an Application to Proceed *In Forma Pauperis* (Doc. 2).

19 **I. Failure to Pay Filing Fee**

20 Rule 3.5(b) of the Local Rules of Civil Procedure requires that “[i]f a habeas corpus  
21 petitioner desires to prosecute the petition *in forma pauperis*, the petitioner shall file an  
22 application to proceed *in forma pauperis* on a form approved by the Court, accompanied by  
23 a certification of the warden or other appropriate officer of the institution in which the  
24 petitioner is confined as to the amount of money or securities on deposit to the petitioner’s  
25 credit.” Rule 3.5(b) also requires payment of the \$5.00 filing fee if a petitioner has in excess  
26 of \$25.00 in his inmate account.  
27  
28

1 Plaintiff's Application to Proceed *In Forma Pauperis* is not on the court-approved  
2 form and does not otherwise comply with Local Rule of Civil Procedure 3.5(b). Because  
3 Petitioner has not paid the \$5.00 filing fee or filed a proper Application to Proceed *In Forma*  
4 *Pauperis*, Petitioner will be given 30 days from the date this Order is filed to either pay the  
5 \$5.00 filing fee or file a completed Application to Proceed *In Forma Pauperis* using the form  
6 included with this Order.

7 **II. Warnings**

8 **A. Address Changes**

9 Petitioner must file and serve a notice of a change of address in accordance with Rule  
10 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other  
11 relief with a notice of change of address. Failure to comply may result in dismissal of this  
12 action.

13 **B. Copies**

14 Petitioner must submit an additional copy of every filing for use by the Court. See  
15 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice  
16 to Petitioner.

17 **C. Possible Dismissal**

18 If Petitioner fails to timely comply with every provision of this Order, including these  
19 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,  
20 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to  
21 comply with any order of the Court).

22 **IT IS ORDERED:**

23 (1) Petitioner's November 29, 2011 Application to Proceed *In Forma Pauperis*  
24 (Doc. 2) is **denied**.

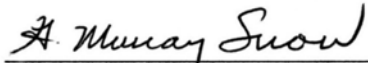
25 (2) Within 30 days of the date this Order is filed, Petitioner must either pay the  
26 \$5.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis*.

27 (3) If Petitioner fails to either pay the \$5.00 filing fee or file a completed  
28 Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a

1 judgment of dismissal of this action without prejudice and without further notice to  
2 Petitioner.

3 (4) The Clerk of Court must mail Petitioner a court-approved form for filing an  
4 Application to Proceed *In Forma Pauperis* (Habeas).

5 DATED this 16th day of December, 2011.

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8 \_\_\_\_\_  
9 G. Murray Snow  
10 United States District Judge  
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\_\_\_\_\_  
Name and Prisoner/Booking Number

\_\_\_\_\_  
Place of Confinement

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

_____ Petitioner,	)	CASE NO. _____
	)	
vs.	)	
	)	
_____ Respondent(s).	)	APPLICATION TO PROCEED <i>IN FORMA PAUPERIS</i> BY A PRISONER (HABEAS)
	)	

I, \_\_\_\_\_, declare, in support of my request to proceed in the above entitled case without prepayment of fees under 28 U.S.C. § 1915, that I am unable to pay the fees for these proceedings or to give security therefor and that I believe I am entitled to relief.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently employed at the institution where you are confined? **G**Yes **G**No  
If "Yes," state the amount of your pay and where you work. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Do you receive any other payments from the institution where you are confined? **G**Yes **G**No  
If "Yes," state the source and amount of the payments. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Do you have any other sources of income, savings, or assets either inside or outside of the institution where you are confined? **G**Yes **G**No

If "Yes," state the sources and amounts of the income, savings, or assets. \_\_\_\_\_

I declare under penalty of perjury that the above information is true and correct.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF APPLICANT

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CERTIFICATE OF CORRECTIONAL OFFICIAL  
AS TO STATUS OF APPLICANT'S TRUST ACCOUNT

I, \_\_\_\_\_, certify that as of the date applicant signed this application:  
(Printed name of official)

The applicant's trust account balance at this institution is: \$\_\_\_\_\_.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
TITLE/ID NUMBER

\_\_\_\_\_  
INSTITUTION